

Minutes of Meeting

Commission for Mental Health, Developmental Disabilities and Substance Abuse Services

Holiday Inn SunSpree Resort Asheville, North Carolina

Tuesday, August 17, 2004

Attending

Commission Members Present

Pender McElroy, Chairman, Lois Batton, Laura Coker, Floyd McCullouch, Don Stedman, Lou Grubb Adkins, Ellen Holliman, Mazie Fleetwood, Judy Lewis, Anna Scheyett, Ann Suggs, Lois Batton, Dorothy Crawford, Albert Fisher, Ann Forbes, Paul Gulley, Martha Macon, Martha Martinat, Tom Ryba, Fredrica Stell, Ellen Russell, and Porter McAteer.

Commission Members Absent

Emily Moore (excused), Pearl Finch (excused), Mary Kelly (excused), Marvin Swartz (excused), Patricia Chamings (unexcused), George Jones (unexcused), Raymond Reddrick (unexcused), William Sims (unexcused) and Bernard Sullivan (unexcused).

Commission Staff Present

Mike Moseley, Division Director
Don Willis, Chief, Administrative Support Section
Peggy Balak, Division Affairs Team Leader
Cindy Kornegay, Division Affairs Team
Alicia Graham, Division Affairs Team
Judy Bright, Division Affairs Team

Others Present

Leza Wainwright (DMH/DD/SAS), Flo Stein (DMH/DD/SAS), Richard Slipsky (NC Department of Justice), Janice Richardson (National Guard), Jennifer Sullivan (NASW NC), Nancy Carey (Western Highlands Board), Bob Carey (Yancy County MH Board), Leslie Evans (NC Teratogen Information Service), Blair H. Clark (ARP-Phoenix), Jerry H. Rice (Advocate), John L. Crawford (Macon County), Don Suggs (New River), Carolyn Greene (New River), Beverly F. James (Western Highlands LME), Christina Carter (DMH/DD/SAS), Shelly Lackey, (Smoky Mountain Center Community Relations Coordinator), Lori Bailey (DMH/DD/SAS), Leslie Huntley [Consumer/Family Advisory Council, Western Highlands (CFAC)], Bill Hambrick (Smoky Mountain Center), Paula Cox Fishman (Sister/guardian of adult with a developmental disability), Larry Thompson (Western Highlands Network), Artie Wilson (Transylvania County), David Swann (Crossroads Behavioral Health Center), Mike Lancaster (DMH/DD/SAS), Vince Newton (Western Highlands Network), Pete Dial (AMA), Richard Johnson (Albemarle Mental Health), Cecil Bothwell (Mountain Xpress), Diane Bankydet (UNC Families CAN), Thomas A. Smith (Spokesperson, The Friends of Public Mental Health of NC, Inc.),

Call To Order

Chairman Pender McElroy called the meeting to order at 12:45 P.M. The Commission members, the staff and guests, made introductions.

Chairman's Report

Chairman McElroy announced that it was with great sorrow and surprise that he had heard about the resignation of Peggy Balak. He stated that she was an excellent communicator and organizer and had provided exemplary assistance to the Commission. Motion was made that the minutes reflect the Commission's appreciation for her work. The motion was seconded and passed unanimously.

Chairman McElroy shared that he had met with the State Consumer/Family Advisory Committee (CFAC) on August 12. The SCFAC members were interested in learning about the role and responsibilities of the Commission. McElroy invited the State CFAC to recommend members of their group to participate on the Advisory and Rules Committees of the Commission. He commended Secretary Odom for being at the State CFAC meeting.

Mr. McElroy reviewed the afternoon agenda calling to attention of the members, the visit to Western Highlands Local Management Entity to view a simulated process of accessing services. Peggy Balak announced that the reception hosted by Western Highlands for Commission members would begin at 6:30 instead of 6 P.M.

Ms. Balak also announced that representatives of the Division's Leadership Team would meet with Commission representatives at 8 A.M. tomorrow, August 18. The Commission meeting would begin at 9:30 instead of 9 A.M.

Local Management Entity (LME) and CFAC Panels

Chairman McElroy introduced panel members representing three local management entities. Panel members included Don Suggs, Director of New River; Larry Thompson, Interim Director of Western Highlands, Bill Hamrick, Deputy Director Smoky Smokey Mountain and Artie Wilson, Board Chairman of Western Highlands.

Peggy Balak explained that the purpose of the panel discussion was to give Commission members the opportunity to get a first hand description of how the different LMEs are organizing themselves to carry out reform. A question and answer session followed the panel presentation.

The CFAC panel followed the LME discussion. Christina Carter (DMH/DD/SAS) and Lori Bailey (DMH/DD/SAS) introduced the topic. Bailey explained the overall role of CFACs and then introduced members of the CFAC Panel. Members included Jere Annis and Shelly Lackey, Smokey CFAC; Leslie Huntley, Lyn Berner and Doug Michaels, Western Highlands CFAC; and Carolyn Greene, New River CFAC. Panel members provided Commission members with information regarding the roles and responsibilities of a CFAC. A question and answer session followed the panel presentation.

The meeting was recessed until 9:30 A.M. the next day.

Wednesday, August 18, 2004

Call to Order

The meeting was called to order at 9:30 A.M. Chairman McElroy announced that two Commission members Dr. Ann Suggs and Albert Fisher would be rotating off the Commission. He announced the reappointment of Ellen Holliman, Anna Scheyett, Martha Macon, Fredrica Stell, Bernard Sullivan and Judy Lewis. He welcomed new members Ellen Russell and Porter McAteer. Chairman McElroy assigned Mr. McAteer to the Advisory Committee and Ms. Russell to the Rules Committee.

Approval of Minutes of the May Meeting

The minutes of the May Commission meeting were presented. A motion was made to approve the minutes. The motion was seconded and passed unanimously.

Rules Committee Report

Floyd McCulloch, Chair of the Rules Committee, asked Flo Stein, Chief, Community Policy Management, DMH/DD/SAS to summarize the substance abuse prevention rule that was reviewed by the committee. She explained the history and importance of the Qualified Substance Abuse Prevention Professional (QSAPP) definition and rules related to prevention activities. Chairman McCulloch moved for a favorable report to adopt the rules as presented. The motion was seconded and passed unanimously.

Anna Sheyett provided background information regarding the need to amend the Seclusion and Restraint Rules (10A NCAC 28A.0101 and .0208), for the purpose of developing parallel rules for state facilities and community provider use. Chairman McElroy noted the one discrepancy in the rules related to the "physical restraint" definition in (10A NCAC 28A .0102.) Don Willis volunteered to have an individual from a state institution speak to the Rules Committee during their next meeting to explain the reason for the difference in the definitions between the community and state facility human rights rules. With the understanding that further information would be provided at the November Commissioner meeting, Anna Sheyett moved that the rules be passed as written. The motion was seconded. The motion carried with approval of all members in attendance.

Advisory Committee Report

Don Stedman, Chair of the Advisory Committee, reported that the meeting held 8/17/04 was vibrant and well attended. He noted his appreciation that Mike Moseley and his staff had moved so quickly to have the State Plan 2004 reflect housing language of the *Welcome Home! A Report on Housing for North Carolinians with Disabilities*, which was discussed and recommended for adoption, by the Commission in May. Willis will work with Chairman Stedman to place the housing issue on the agenda for the Legislative Oversight Committee (LOC). Other recommendations were to use stories regarding housing issues and successes from the LMEs, publicize the report to the Council on Community Programs and to involve a consumer in the presentation to the LOC. Stedman praised Moseley's creation and hiring of a Housing Specialist position (to be

announced within the next several weeks). One additional issue, zoning laws relative to housing, was discussed with the recommendation that the Commission address this issue through the County Commissioners in the regional planning commission meetings.

In addition to housing, the Advisory Committee recommended that the following issues be addressed in the 2004 – 2005 fiscal year:

1. The philosophy and process of monitoring
2. Guardianship
3. Health care for persons with MH/DD/SA, with a particular focus upon rural areas
4. Mental Health Parity Issue
5. Professional preparation and retention

Chairman Stedman asked for additional issues that might require study so that he can integrate it with Committee's recommendations.

Stedman announced the next Advisory Committee meeting, October 12, 2004, Holiday Inn North, in Raleigh.

Director's Report

Mike Moseley thanked Peggy Balak for her work with the Commission. He also read a letter from the Governor to Chairman McElroy congratulating him on his award from the National Mental Health Association.

Moseley introduced Mike Lancaster, Chief of Clinical Policy for the Division.

Topics from Moseley's report included

1. Budget items related to the Department/Division: Central Office contracts reduction of \$200,000; a non-recurring reduction of \$500,000 for the Division; a \$2,550,000 reduction in over-realized receipts for State institutions; and a \$2 million non-recurring reduction for the area authority/county programs; an \$800,000 position elimination within the Department; a reduction of \$2,180,000 resulting from information technology consolidation; expansion appropriations to the Autism Society of \$300,000, Division TEACCH \$237,000 and Housing Support for the Mentally Ill \$750,000.
2. Mike intends to visit all the LMEs and facilities within the State by January 1, 05 and will post his visitation schedule on the Division's web site.
3. His efforts and associated efforts of the Secretary regarding cultural competency and examining barriers to individuals accessing services.
4. Efforts to improve communication in the field. The Division will soon publish its Communications Plan.
5. The revision of the current CAP-MR/DD waiver and the development and submission another independence plus waiver.

6. The need to get the Child Mental Health Plan in operational status. Chairman McElroy commended Moseley on his leadership of the Division, his qualities of open-mindedness. He assured Moseley of the Commission's support. Chairman McElroy also commended other Division staff in their support of the Commission.

Status of Reform

Leza Wainwright commented on the following regarding reform efforts:

1. A standardized contract, standardized provider manual and customer services manual will be developed this fiscal year to be available by July 1, 2005.
2. A Performance Contract has been developed and has been sent to all LMEs/Area Authorities for signature. For Year 1, minimal criteria for operation as an LME were negotiated. The criteria will be raised on an annual basis.
3. The Division is in the process of developing a standardized template for the Local Business Plan, the backbone of the Performance Contract.
4. DMA has agreed to pay for peer support in both ACTT and Community Support Teams service definitions.
5. The Division will be upgrading the HEARTS system, the accounting and billing system for institutions and hospital settings to include more clinical information.

Public Comments

Jerry Rice provided clarification that Larry Thompson was the interim Director of Western Highlands, not the Director.

He also said that the most important job of government is listening to consumers. He reported that that was not occurring at Western Highlands. He suggested the State hire/contract with a marketing director to listen and talk with people and to assist the State in developing a plan that represents consumers.

Mr. Bob Carey, Yancy County, reported that the county manager held secret meetings not involving individuals and families that use the services. He also stated his disappointment in the Commission allowing only two minutes per person for public comment – that it did not reflect the same respect accorded to Mike Moseley and others that presented before the Commission. Chairman McElroy offered additional time and explained that the public could participate in the Rules and Advisory Committees, not needing to wait until the Public Comment period.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 12:20 P.M.

Minutes prepared by Judy Bright